

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>1/25/2021</u>

-----X  
ALEJANDRA DIAZ, :  
: Plaintiff, :  
: : 19-cv-6394 (LJL)  
- v - :  
: :  
ANDREW SAUL, Commissioner of Social Security, :  
: Defendant. :  
: :  
-----X

LEWIS J. LIMAN, United States District Judge:

On December 30, 2020, Magistrate Judge Debra C. Freeman issued a Report and Recommendation recommending that the Court grant Plaintiff's motion for judgment on the pleadings to the extent that the matter be remanded for further pleadings and that the Court deny Defendant's cross-motion for judgment on the pleadings. Dkt. No. 19. Magistrate Judge Freeman advised the parties that they had fourteen (14) days to file written objections to the Report and Recommendation. No such objections have been filed by either party.

In reviewing a Magistrate Judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties are given the opportunity to raise timely objections to the report and recommendation within fourteen (14) days. *Id.* The Court reviews any portion of the report subject to an objection *de novo*; however, in the absence of any objection, the Court reviews the report and recommendation only for clear error. Fed. R. Civ. P. 72(b) Advisory Committee Notes; *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018).

The Court has reviewed the record and the Report and Recommendation for clear error

and, finding none, hereby ORDERS that the Report and Recommendation is ADOPTED in its entirety. Dkt. No. 19. The Court GRANTS Plaintiff's motion for judgment on the pleadings and remands the matter for further proceedings consistent with the Report and Recommendation. Dkt. No. 14. The Court DENIES Defendant's cross-motion for judgment on the pleadings. Dkt. No. 16.

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: January 25, 2021  
New York, New York

---



LEWIS J. LIMAN  
United States District Judge